

Montana Flour & Grains

P.O. Box 517 * 2502 Chouteau St.
Fort Benton * Montana * 59442
(406) 622-5436 * Fax (406) 622-5439

February 12, 2009

To Whom It May Concern:

I would like to voice my support for House bill 445. I believe in necessity of intellectual property rights for those who create and invent in our society. In the case of this bill seed patents have been granted to companies breeding or developing new varieties of plants.

The Montana food industry requires a healthy farmer base. Our company mills specialty ingredients that require specialized crops. While these demand effort to grow they also command a premium price. Demanding customers need them to be pure, free of unwanted contaminants. A high priced crop with a little comingling of an unwanted seed could cause a farmer a large financial loss. To be sued for patent infringement, on top of losing a crop due to contamination could easily cause a farmer to lose their farm.

Those who violate these patents ought to be held accountable before the law. Those persons accused of willful violations differ, in my mind, from those who unknowingly or unintentionally use patented plants or seeds.

This bill allows for an independent third party to be present when a patent holder tests for presence of their patented plants and that is necessary and wise. Equally important is the ability of any party accused in court of violating a patent to be able to face their accusers in local courts without having to travel across the country. Many local lawyers cannot defend a farmer in another state and the legal fees and time to consult with out of state counsel make the case brutally expensive before the facts are ever even heard in a courtroom.

For these reasons I support HB 445.

Andre C. Giles
President